

STATEMENT OF DONALD W. MURPHY, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON NATIONAL PARKS OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 556, A BILL TO DIRECT THE SECRETARY OF THE INTERIOR AND THE SECRETARY OF AGRICULTURE TO JOINTLY CONDUCT A STUDY OF CERTAIN LANDS ADJACENT TO THE WALNUT CANYON NATIONAL MONUMENT IN THE STATE OF ARIZONA.

JUNE 28, 2005

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Administration's views on S. 556, a bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain lands adjacent to the Walnut Canyon National Monument in the State of Arizona.

The Administration does not object to the enactment of S. 556. We also believe that any funding requested should be directed toward completing previously authorized studies. Currently, 30 studies are in progress by the Department of the Interior, which hopes to complete and transmit 15 to Congress by the end of 2005

S. 556 directs the Secretary of the Interior and the Secretary of Agriculture, utilizing a third party consultant, to jointly conduct a study of approximately 31,000 acres surrounding Walnut Canyon National Monument (monument). The study would evaluate how best to manage federal and State lands adjacent to the monument in the long term in order to protect the natural, cultural, and recreational values important to this area of Arizona. The bill directs the Secretaries, as well as local land managers, the Flagstaff City Council and Coconino County Board of Supervisors to review and comment on the

draft study. The bill requires a report that includes findings, conclusions and recommendations for future management of the study area to be transmitted to Congress no later than 18 months after enactment. We estimate the total cost of the study to be approximately \$300,000, to be divided between the National Park Service and the U.S. Forest Service.

Walnut Canyon National Monument was established on November 30, 1915, by Presidential Proclamation with the specific purpose of preserving the prehistoric ruins of ancient cliff dwellings. The monument was expanded in 1938 and 1996 and now occupies approximately 3,600 acres. The purposes for which the area was originally established have expanded to include protection of natural and cultural resources that are known to be significant to contemporary native tribes and the ecological communities and geological resources that make the canyon an outstanding scenic resource. The monument and the surrounding lands of the Coconino National Forest provide a significant natural sanctuary and greenbelt surrounding the city of Flagstaff.

The National Park Service released a Draft General Management Plan (GMP) for Walnut Canyon National Monument for public comment in 2003. Many of the issues identified for resolution in S. 556 were also identified as needs in the Draft GMP. The plan is being revised to address comments about boundary issues and is expected to be finalized after completion of consultations with the Fish and Wildlife Service in the next several months. The archeological and prehistoric resources preserved in the monument are

nearly pristine, and provide not only scientific opportunities but also challenges for preservation.

For several years, local communities adjacent to the monument have debated how the land surrounding the monument would be best protected from future development. A number of years ago, the Coconino County Board and the Flagstaff City Council passed resolutions concluding that the preferred method to determine what is best for the land surrounding the monument is by having a federal study conducted. Included within the lands to be studied that surround the monument are approximately 2,000 acres of State trust lands. We should note that it is our understanding that Arizona law prohibits state lands to be donated and that the Arizona Supreme Court has determined that the Arizona Constitution prohibits the disposal of certain state land except through auction to the highest and best bidder. Should the study's conclusions involve these types of actions concerning state lands, we would have to await a determination on how the citizens of Arizona and their representatives would recommend proceeding.

We understand the concern that National Forest System (NFS) lands between the Monument and the City of Flagstaff might eventually be sold or exchanged; allowing urban development to creep closer to the Walnut Canyon watershed, originally prompted local support for this proposed study. The proposed study area is within two miles of the campus of Northern Arizona University and is a prime recreation area for students, as well as for Flagstaff area residents. In fact, the area is the second most-used area for recreation in the greater Flagstaff area, behind only the San Francisco Peaks.

The Forest Service has developed a Land Resource Management Plan for the Coconino National Forest, amended in early 2003, that closed the area to motorized access and removed the land encircling the Monument from consideration for sale or exchange. The Flagstaff-area Regional Land Use and Transportation Plan (RLUTP), approved by the Flagstaff City Council and the Coconino County Board of Supervisors in 2002, limits growth and does not allow for development within the study area. RLUTP specifically precludes two key sections of Arizona State Trust land between Flagstaff and the Monument as suitable for development. Those lands are identified in the plan for open space and greenways. These plans would be an important source of information to be considered during the study process.

If the Committee moves forward with S. 556, we suggest that the bill be amended in section 4(e) to make the report to Congress due 18 months after funds are made available. Also Section 4 may need to be further amended to specify that the draft study be available for public comment, in accordance with the National Environmental Policy Act, and to remove any potential violations of the Recommendations Clause, U.S. Const. art. II, sec. 3, by clarifying that any recommendations to be made to Congress by the Secretaries would be discretionary rather than mandatory. We will be happy to work with the Committee and the U.S. Department of Justice to develop alternate language for these portions of the bill.

Thank you for the opportunity to present the Administration's views on this bill. That completes my remarks and I will be happy to answer any questions you may have.